IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11393 of 2004

Between:

1 A.V.Ramesh, s/o Subba Rao,
r/o Kodad Village and Mandal, Nalgonda District.
2 Chenna Rajaiah, s/o Kistaiah,
r/o Kodad Village and Mandal, Nalgonda District.

..... PETITIONERS

AND

1 The Station House Officer, Mellacheruvu Police Station,
Nalgonda District.
2 The Deputy Commissioner of Proh., & Excise, Mahaboobnagar

Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus, to declare the action of the 1st respondent in seizing the Black Jaggery and Alum along with Tractor Trailer vehicle bearing Reg.No.AAL 4399 and AIC 4783 seized under Crime No.94/2003 as illegal, arbitrary and consequently direct the respondents herein to release the vehicle along with the stocks

Counsel for the Petitioner: MR.P.NAGESWARA RAO, Advocate

Counsel for the Respondents: GP FOR HOME &

G.P. for Proh.& Excise.

The Court made the following **ORDER**:

This writ petition is filed by the petitioners 1 and 2, claiming that the 1st petitioner is the owner of the goods and the 2nd petitioner is the owner of the vehicle, that was seized for the alleged offence or irregularities said to have been committed by them.

2. The grievance of the petitioners is that though the seizure of their vehicle and goods was affected on 29.5.2003, but, so far no orders have been passed by the 2nd respondent. It is stated that the petitioners have also made application for release of the goods as well as for interim custody of the vehicle on 29.10.2003. Even on that application also the 2nd respondent did not pass any orders so far. Therefore, the petitioners sought for appropriate orders for the release of the vehicle as well as the goods, on furnishing security.

3. The learned Government Pleader, on the other hand, opposed the above claim of the petitioners, contending that the 2nd petitioner is not the owner of the vehicle, but claims to be the purchaser under an agreement in whose favour the vehicle was not yet transferred. The learned Government Pleader also opposed for the release of the goods seized.

4. Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition & Excise, and considered the material on record.

5. In view of the fact that the application filed by the petitioners for release of the goods as well as the vehicle is pending, the 2nd respondent is directed to dispose of the representation/application made by the petitioners within two weeks from the date of receipt of the copy of this order.

6. The Writ Petition is accordingly disposed of with the above direction.

S.Ananda Reddy,J.

Dt. 15.07.2004

Note:

Issue copy in three

days. (bo) Kvh

Sd/- ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Station House Officer, Mellacheruvu Police Station,

   Nalgonda district.

2. The Deputy Commissioner of Proh. & Excise, Mahaboobnagar division, Mahaboobnagar.
3. Two CCs. to the G.P. for Proh.& Excise, High Court of A.P., Hyderabad (OUT).
4. Two CD Copies.

Kvh

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 11393 of 2004

ORAL ORDER

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